

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Sections 3, 4, 5 & 7**

**JOINT MOTION TO ADOPT SCHEDULE
FOR COMPLETION AND EXCHANGE OF HISTORICAL REPORTS**

The State of New Mexico *ex rel.* State Engineer (“State”), Asociación de Acèquias Norteñas de Rio Arriba, Gallina-Capulin Acequia Association, and El Rito Ditch Association (“the Acequias”) jointly request the Court to enter an order scheduling the completion and exchange of historical reports as described below. In support of this motion the parties state as follows:

1. The State’s historian Dr. John O. Baxter has completed historical reports (4) for water uses in Sections 3 and 5 of the Rio Chama Stream system, and these reports have been provided to the Acequias. Dr. Baxter has also completed a historical report for the Tierra Amarilla subsection of Section 7, and this report has also been provided to the Acequias. The remainder of Dr. Baxter’s historical reports in Section 7 will be complete by the end of 2003, and they will be provided to the Acequias as they are completed.

2. The Asociación de Acèquias Norteñas de Rio Arriba, Gallina-Capulin Acequia Association, and El Rito Ditch Association are jointly working to complete a regional historic report on water uses in Sections 3, 4, 5 and 7 of the Rio Chama Stream System. To date, no portions of the

reports have been completed and provided to the State and the regional project is ongoing.

3. In order that the State will be in a position to sequentially address issues of ditch priorities in Section 3, 5 and 7 in the regular course of these adjudication proceedings, the parties jointly request the Court to adopt the following schedule for the completion and exchange of reports by the Acequias on water uses in Sections 3, 5 and 7 of the Rio Chama Stream System.

- (1) June 15, 2003 – Completion and exchange of the Acequias' historical report for water uses in Section 5 (Rio Gallina)
- (2) March 1, 2004 – Completion and exchange of the Acequias' historical report for water uses in Section 3 (all subsections).
- (3) November 1, 2004 – Completion and exchange of the Acequias' historical report for water uses in Section 7 (all subsections).

4. The scheduling of the completion and exchange of a historical report for water uses in Section 4, and a determination of when those issues should be addressed in these proceedings, should be left for later determination.

5. The parties request that the Court hold a status conference with the State and the Acequias in September of 2003 to address further scheduling and procedures for the determination of treaty issues and ditch priority dates in Section 3, 4, 5 and 7.

6. The Asociación de Acèquias Norteñas de Rio Arriba hereby states its intent to present evidence and submit legal argument regarding the applicability of the Treaty of Guadalupe Hidalgo to these proceedings. The Asociación requests that it have until June 1, 2004 to file a motion, argument and documentation in support of its position.

WHEREFORE the State of New Mexico *ex rel.* State Engineer, Asociación de Acèquias

Norteñas de Rio Arriba, Gallina-Capulin Acequia Association, and El Rito Ditch Association jointly request the Court to enter an order scheduling the completion and exchange of historical reports as described above.

Respectfully submitted,

/s/ Ed Newville 6/11/03

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CERTIFICATE OF SERVICE

I certify that copies of the Joint Motion to Adopt Schedule for Completion and Exchange of Historical Reports were mailed to the following persons on June 12, 2003.

/s/ Ed Newville
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